

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

SYMBIONICS, INC. :  
Plaintiff :  
VS. : CIV. NO. 08 CV 44  
: GBL/TRJ  
CHRISTOPHER J. ORTLIEB ET AL. :  
Defendants :

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**AMY ORTLIEB'S RULE 12(B)(6) MOTION TO DISMISS**

COMES NOW Defendant, Amy Ortlieb, by and through counsel, Eugene W. PolICASTRI, and moves this Court for an Order dismissing all claims against her pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure on the grounds that Plaintiff fails to state a claim against her upon which relief can be granted. The grounds for the motion are contained in the memorandum in support being filed contemporaneously herewith.

Respectfully Submitted

\_\_\_\_\_/s/\_\_\_\_\_  
Eugene W. PolICASTRI (65837)  
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Attorneys for Defendants,  
Christopher J. Ortlieb, Amy Ortlieb,  
OPM, LLC, ATACC Systems, LLC  
and Warfighter Technologies, LLC

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 1<sup>st</sup> day of February, 2008, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Gerald M. Ritzert, Esq.  
Ritzert & Leyton, P.C.  
11350 Random Hills Road, Suite 400  
Fairfax, Virginia 22030

And I hereby certify that I will mail the document by U.S. Mail to any non-filing users who are parties in this case.

\_\_\_\_\_/s/\_\_\_\_\_  
Eugene W. Policastri